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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,805	02/04/2004	Clay Fisher	SON5180.84A	3337

36813 7590 12/21/2011

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ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
12/21/2011	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/771,805
Filing Date: February 04, 2004
Appellant(s): FISHER ET AL.

Rodger H. Rast

For Appellant

EXAMINER'S ANSWER

This is in response to the Appeal Brief filed October 18, 2011, appealing from the Office action mailed April 28, 2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-10 and 17-28

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

7,526,768	Schleifer	02-2004
2002/0133508	LaRue	03-2002
5,412,402	Searby	03-1991

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-10 and 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schleifer (US Patent No. 7,526,768) In view of LaRue (US Patent Application No. 2002/0133508), further in view of Searby (US Patent No. 5,412,402).

Regarding Claims 1, 10, 17, 18, and 24-28, Schleifer discloses a method of tracking and synchronizing content across multiple devices, including a plurality of client devices and a server (cols.3-4, lines 58-67 and 1-14, respectively, Schleifer), comprising:

receiving new content associated with a request submitted by a user (col.10, lines 63-65, Schleifer);

reviewing said new content in response to the request and comparing with existing content for which a record exists and which is a duplicate or related to said new content (col.10, lines 65-67, Schleifer)[1];

performing the request corresponding to said new content (col.10, lines 66-67, Schleifer).

[1] Examiner Notes: A further explanation of comparing the content with related content is explained within Schleifer at col.7, lines 46-54 and col.8, lines 16-19.

However, Schleifer is not as detailed with respect to new content for which no record exists and automatically completing fields within said new content record based on information contained in the new content as well as information about the presence of duplicate or related content which is available on the multiple devices.

On the other hand, LaRue discloses new content for which no record exists (par [0146], LaRue) and automatically completing fields within said new content record based on information contained in the new content as well as information about the presence of duplicate or related content which is available on the multiple devices ([0153], LaRue). Schleifer and LaRue are analogous art because they are from the same field of endeavor for the synchronization of data. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate LaRue's teachings into the Schleifer system. A skilled artisan would have been motivated to combine in order to provide a synchronization technology which processes already-known data and shares the information in an intelligent manner.

Therefore, the combination of Schleifer in view of LaRue, disclose wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content (par [0171], LaRue); and

updating the records of duplicate or related content with information about the new content associated with said new content record to synchronize all the content records (par [0062], LaRue).

While LaRue discusses the system displaying graphic images (see par [0078]), LaRue is not as detailed with respect to the content being image content, and said comparing includes image analysis between the new content and the existing content.

On the other hand, Searby discloses the content being image content, and said comparing includes image analysis between the new content and the existing content (col.5, lines 39-45 and col.4, lines 5-21, Searby). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Searby's teachings into the Schleifer and LaRue system. A skilled artisan would have been motivated to combine in order to provide a plurality of alternate content.

Regarding Claim 2, the combination of Schleifer in view of LaRue, further in view of Searby, disclose a method further comprising:

receiving a copy, delete, or print request from a user corresponding to specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network (col.6, lines 29-35, Schleifer);

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices (cols.7-8, lines 46-67 and 1-11, Schleifer);

transmitting a confirmation for the request in response to detecting the presence of any duplicate or related content (par [0194], LaRue); and

performing the request in response to receiving the request and instructions from the user in responding to said confirmation (par [0193], LaRue).

Regarding Claims 3, 4, and 20, the combination of Schleifer in view of LaRue, further in view of Searby, disclose a method further comprising:

receiving a copy, delete, or print request from a user corresponding to said specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network (col.6, lines 29-35, Schleifer);

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices (cols.7-8, lines 46-67 and 1-11, Schleifer); and

determining utilization of any duplicate or related content based on a pre-established preference and the type of request which was received (par [0140], LaRue).

Regarding Claims 5 and 19, the combination of Schleifer in view of LaRue, further in view of Searby, disclose the method wherein image-content resolution is determined when comparing duplicate or related content (Abstract, Searby).

Regarding Claims 6 and 23, the combination of Schleifer in view of LaRue, further in view of Searby, disclose the method wherein each content record includes a field for indicating other content related to content associated with the content record (col.8, lines 32-44, Schleifer).

Regarding Claims 7 and 21, the combination of Schleifer in view of LaRue, further in view of Searby, disclose the method further comprising storing the pre-established preference in a storage device (par [0077], LaRue).

Regarding Claims 8 and 22, the combination of Schleifer in view of LaRue, further in view of Searby, disclose the method further comprising storing the new content record in a storage device (par [0129], LaRue).

Regarding Claim 9, the combination of Schleifer in view of LaRue, further in view of Searby, disclose the method wherein the confirmation is sought from the user for authorization for executing the request (par [0194], LaRue).

(10) Response to Argument

Claim 1

Appellant argues, the combination of Schleifer, LaRue, and Searby do not teach "*receiving new content for which no record exists associated with a request submitted by a user*".

Examiner respectfully disagrees. To begin, Schleifer was cited for disclosing the claimed "*receiving new content associated with a request submitted by a user*" at col.10, lines 63-67, wherein the device receives an add command requesting to add an item to the device. Next, LaRue was incorporated in order to teach that the new content is content for which no record exists. To disclose this, LaRue teaches the synchronization

of records wherein the synchronizer determines a record that corresponds to the received changed client record, which if no such already-mapped record exists, the synchronizer creates a new and empty record and maps the received and changed record to the new record (par [0146]). Thus, clearly stating that a record does not exist and the system creates a record. The applicant argues that LaRue's non-existent record does not constitute the claimed "no record" existing because the record existed on another device. The examiner does not agree with the applicant's interpretation of the reference and more so the examiner believes that with a broad interpretation of the claims the LaRue reference reads directly on the claim language.

Appellant argues, the combination of Schleifer, LaRue, and Searby do not teach "*reviewing said new content ... and comparing image content*".

Examiner respectfully disagrees. Schleifer teaches "*the synchronization is started from scratch and the device receives an add command requesting to add Item A to the device. The item is detected as a duplicate, and the item from the PC is kept*" (col.10, lines 63-67) and "*processing a command to add an item to the device...a duplicate detection check is completed...to ensure that duplicates are not created on the different devices... wherein the duplicate detection is based upon item property comparison*" and "*when the device receives the items to add, the device compares the SyncHash of the new item to the existing items, allowing the device to detect duplicates*" (col.7, lines 46-55 and col.8, lines 12-25, Schleifer). The above excerpts illustrating that a request to add new content is received, reviewing occurs in order to determine if there is duplicate

content, and this is done by performing a comparison between the new content and existing content. Searby is incorporated in order to not only disclose the content being image content, but to also show that image content is being compared between new data and existing data in order to replace data when there is a predetermined relationship (i.e. indicating some type of related content) (col.3, lines 54-67, Searby).

Appellant argues, the combination of Schleifer, LaRue, and Searby do not teach "*automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content which is available on the multiple devices*", and "*wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content*".

Examiner respectfully disagrees. LaRue teaches the client synchronizer synchronizes record-field mappings for the clients, wherein the synchronizer propagates received information subject to (automatic or manual) resolution of any conflicts. For example, if the client synchronizer has added a new mapping of a record field to a record field in a third-party client, the synchronizer transforms this mapping between the client's synchronizer's fields and a third-party synchronizer's fields into a mapping of the fields. The synchronizer adds the mapping to the dataset, if the mapping was not already in the dataset (par [0153], LaRue). The above summary teaching the new fields

being mapped/resolved automatically based on the information, and the synchronizer only adding the mapping when it is not already contained on the dataset (i.e. not a duplicate). Again, Searby was incorporated in order to teach the image analysis aspect of the claim (see col.4, lines 5-21 and col.5, lines 39-45, Searby).

Next, LaRue has already been cited and discussed for describing new content without and existing record to be compared with existing content, and even further LaRue teaches identifying an existing dataset record to be mapped to the client record using a special application of a special duplicate resolution technique (see par [0171], LaRue). As a result, the combinations of references do in fact teach the above-argued features.

Claim 2

Appellant argues, Schleifer relates to synchronizing files and records, and does not discuss "*receiving a copy, delete, or print request from a user*".

Examiner respectfully disagrees. Schleifer teaches "*when the device receives items to add, the device compares the SyncHash of the new item to the existing items, allowing the device to detect duplicates*", and "Referring to *step 1, Item A has already been synced to the device from Server 1…Item A is on Server 1 and the device with a SynchHash value. Step 2, a user copies Item A from their device to Server 1 creating Item B on device Server 1*" (see col.8, lines 12-27), thus illustrating a copy request from a user. Schleifer also teaches "*The Item has synced in the past to this data source but the user has requested that it no longer sync there, so on the next sync delete the item from the data source*" (see cols. 9-10, lines 65-66 and 5-6, respectively), and a request to register a new data source with the system, but

also remove (i.e. delete) a data source (see col.11, lines 1-21), both of which correspond to receiving a delete request from a user.

Claim 3

Appellant argues, Schleifer relates to synchronizing files and records, and does not discuss "*receiving a copy, delete, or print request from a user*".

Examiner respectfully disagrees. The instant argument appears to be similar to the argument above with respect to claim 2. As such, please see the response above in order to address such argument.

Claim 5

Appellant argues Searby has nothing which relates to image-content resolution when comparing duplicate or related content.

Examiner respectfully disagrees. Searby teaches an electronic graphic system for modifying data defining an image, wherein existing data in a control store is compared with new data, and is replaced with the new data when a predetermined relationship is found between the new data and the existing data of the image (see col.3, lines 54-67). As can be seen, Searby clearly teaches comparing new and existing data wherein the data is replaced when there is a "predetermined relationship" (i.e. related content), and the data being compared is information about an initial image. As a result, the above-argued feature is in fact taught.

Claim 6

Appellant argues, they are unable to find anything in the relied upon text section which discusses a field of the record for indicating other content related to content associated with the content record.

Examiner respectfully disagrees. In particular, the appellant specifies that nothing in Schleifer addresses fields within the record that indicate duplicate or related content. Schleifer teaches a primary keyset which is a set of fields for primary properties that are compared to consider the item a duplicate and a secondary keyset, which is a larger set of fields that is used to check for the existence of data in those properties and even if the primary key's match, the items will not be considered duplicates to one another (col.8, lines 30-44). As understood, Schleifer's teachings of the two level data comparison of the fields in order to detect duplicate content are interpreted to read on the above-argued feature.

Claim 10

Appellant arguments are similar to those presented for Claim 1, thus the examiner believes the combination of references do in fact teach the argued features as can be seen from the response above.

Claim 17

Appellant argues multiple features that are similar in context to independent Claims 1, 2, 10, and 24-28, all of which have been addressed within this Examiner's

Answer. Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references cited. The examiner believes the claim as a whole has been addressed in its entirety throughout.

Claim 18

Appellant argues, no teachings are asserted for the "*capture module configured to identify content in response to comparing an image of the new content with images contained in the existing content*".

Examiner respectfully disagrees. Comparing new and existing content has been described as being disclosed/taught by the Schleifer reference, but even further, Searby has also been discussed for teaching new image information being compared with existing image information, which identifies content (see responses above).

Claim 19

Appellant arguments are similar to those presented for Claim 5, thus the examiner believes the combination of references do in fact teach the argued features as can be seen from the response above.

Claim 20

Appellant arguments are similar to those presented for Claim 17, thus the examiner believes the combination of references do in fact teach the argued features as can be seen from the response above.

Claim 24

Appellant argues similar arguments as stated above with reference to Claim 1, but also argues (1) the rejections fails to provide any support for "*wherein a content record is associated with existing content, with said content record having information fields for accessing the duplicate content and/or related content*", (2) the rejections fails to provide support for "*selectively transmitting a confirmation for the request based on said reviewing and the presence of any duplicate or related content*", and (3) the rejection fails to provide support for "*performing the request based on receiving the request and instructions from the user in responding to said confirmation*".

Examiner respectfully disagrees. To begin, with respect to the arguments that are similar to Claim 1, see the response above.

(1) Schleifer has been cited and discussed in detail for the disclosure of the existing content with the content having fields for accessing duplicate content (see col.8, lines 7-44).

(2) To begin, Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them

from the references. However, LaRue discusses confirmation of a successfully sent record within par [0194], but also Bodnar (Patent No. 6,295,541, incorporated by reference into LaRue) discusses confirmation of requests at col.11, lines 50-64.

(3) To begin, Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. However, LaRue clearly teaches performing the request per the instructions of the user.

Claim 25

Appellant argues similar arguments as stated above with reference to Claim 1, but also argues (1) the rejections fails to provide support for "*a server configured for communication over a network*", "*a client device configured for communication over the network with said server*", and "*communicating over the network between said client device and said server device and at least one other client device connected to the network*", (2) the rejections fails to provide support for "*transmitting a confirmation for the request when duplicate or related content is available*" and "*receiving instructions from the user in responding to said confirmation*".

Examiner respectfully disagrees. To begin, with respect to the arguments that are similar to Claim 1, see the response above.

(1) To begin, Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. However, Schleifer illustrates within Figs.1-3 multiple computing devices (i.e. clients/servers) communicating over a network. Schleifer also teaches such communication and connection within col.2, lines 51-53 and col.3, lines 1-19 and 58-61.

(2) To begin, Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. However, see the response above for claim 24 section (2).

Claim 26

Appellant argues similar arguments as stated above with reference to Claim 1, but also argues (1) the rejections fails to provide any support for "*a server configured for communication over a network*", "*a client device configured for communication over the network with said server*", and "*communicating over the network between said client device and said server device and at least one other client device connected to the network*", (2) the rejection fails to provide any support for "storing preference setting for one or more types of requests, said preference including at least one criteria for performing the request, and (3) the rejections fails to provide support for "*transmitting a confirmation for the request based on the preference setting when duplicate or related content is*

***available"* and "*receiving instruction from the preference setting, and/or from the user in responding to said confirmation, as to how to execute said request*".**

Examiner respectfully disagrees. To begin, with respect to the arguments that are similar to Claim 1, see the response above.

(1) To begin, Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. However, Schleifer illustrates within Figs.1-3 multiple computing devices (i.e. clients/servers) communicating over a network. Schleifer also teaches such communication and connection within col.2, lines 51-53 and col.3, lines 1-19 and 58-61.

(2) To begin, Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. However, LaRue discusses preferences within par [0140].

(3) To begin, Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. However, see the response above for claim 24 section (2).

Claims 27 & 28

Appellant arguments are similar to those presented for Claims 1 and 26, thus the examiner believes the combination of references do in fact teach the argued features as can be seen from the response above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
CLD
December 15, 2011

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